



pursue Counts 4 and 5 of the First Amended Complaint and whether the NAACP has organizational standing to pursue Counts 1-3.

2. Defendants filed a Motion to Modify the Scheduling Order and Continue Trial Date and a Supplement to the Motion to Modify the Scheduling Order and Continue Trial Date; the Supplement requests that the case be continued until after the Sixth Circuit rules on the standing and other issues relating to Count 6 of the First Amended Complaint. (Motion and Declaration of Mark Goins, D.E. 313 and 313-1, PageID # 8057-8064; Memorandum in Support of Motion, D.E. 314, PageID# 8065- 8073; Supplement to Motion, D.E. 318, PageID# 8095-8097).

3. Defendants filed a Motion to Dismiss the claims of Leola Scott on the basis that she lacked standing at the time the First Amended Complaint was filed and because her claims are moot (Plaintiff Scott has obtained her Certificates of Restoration and has been registered to vote since August 2024). (Motion to Dismiss Leola Scott and Exhibits, D.E. 303, PageID# 8005-8007; Declaration of Mark Goins, D.E. 303-1, PageID# 8008-8009; Leola Scott Certificate of Restoration, ECF 305-1<sup>1</sup>, PageID # 8023). This Motion also has a bearing on whether the NAACP has associational standing for Counts 1-3 because Plaintiff Scott is the only named member of the NAACP who has been involved in this case.

4. Defendants filed a Motion to Dismiss the Claims of All Plaintiffs on the grounds that

---

<sup>1</sup> Defendants' counsel inadvertently filed a copy of Plaintiff Scott's Certificate of Restoration with personal identifying information, ECF 305 is the redacted copy. The other Certification of Restoration has been withdrawn.

they all lacked standing at the time the First Amended Complaint was filed.<sup>2</sup> (Motion to Dismiss all Plaintiffs, D.E. 309, PageID# 8031-8033; Memorandum in Support Motion to Dismiss all Plaintiffs, D.E. 310, PageID# 8034-8042).

5. Defendants filed a Motion to Reconsider the Order Denying Summary Judgment. (Motion for Reconsideration, D.E. 311, PageID# 8043-8047; Memorandum in Support of Motion to Reconsider, D.E. 312, PageID# 8048-8056).

6. The individual Plaintiffs filed a Motion to Certify Class, which was originally granted. (Motion for Class Certification, D.E. 104, PageID# 665-670; Memorandum in Support of Motion for Class Certification, D.E. 105, PageID# 671-686; Memorandum in Opposition to Motion for Class Certification, D.E. 108, PageID# 758-771; Order Granting Class Certification, D.E. 123, PageID# 831; Memorandum Opinion Granting Class Certification, D.E. 122, PageID# 822-830). Defendants appealed the class certification; the Sixth Circuit vacated the Order Granting Class Certification. (Sixth Circuit Order Vacating Class Certification, D.E. 215, PageID# 3551-3553). This Court requested additional briefing on the issue of class certification, particularly on whether the Division of Elections' July 23, 2023 Policies affected class certification. (Order Requiring Briefing on Effect of Division of Elections' Policy Changes on Class Certification, D.E. 273, PageID# 4738). Both sides have filed the requested briefs. (P's Supplemental Brief on P's Motion for Class Certification, D.E. 283, PageID# 6234-6246; D's Brief in Response to Court's Order Regarding Effect of Policy Changes on Analysis of Class Certification, D.E. 294, PageID# 7887-7899). The Motion to Certify Class has yet to be resolved.

---

<sup>2</sup> This Motion does not include Plaintiff Scott because a separate Motion to Dismiss her claims was filed.

Respectfully submitted,

JONATHAN SKRMETTI  
Attorney General and Reporter

Sincerely,

/s/ Dawn Jordan

DAWN JORDAN, BPR # 020383  
Special Counsel

ZACHARY L. BARKER  
Senior Assistant Attorney General

ROBERT W. WILSON  
Senior Assistant Attorney General

DAVID RUDOLPH  
Senior Assistant Attorney General

Public Interest Division  
Office of the Attorney General  
P.O. Box 20207  
Nashville, TN 37202-0207  
[Dawn.Jordan@ag.tn.gov](mailto:Dawn.Jordan@ag.tn.gov)

*Counsel for Defendants*

## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been forwarded electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the parties named below. Parties may access this filing through the Court's electronic filing system.

Blair Bowie  
Danielle Lang  
Alice C. Huling  
Valencia Richardson  
Aseem Mulji  
Ellen Boettcher  
Kate Uyeda  
Kathryn Huddleston  
Campaign Legal Center  
1101 14<sup>th</sup> Street NW, Suite 400  
Washington, DC 20005

Phil Telfeyan  
Natasha Baker  
Equal Justice Under Law  
400 7<sup>th</sup> St. NW, Suite 602  
Washington, DC 20004

Date: November 20, 2024

Charles K. Grant  
Denmark J. Grant  
Baker, Donelson, Bearman  
Caldwell & Berkowitz, P.C.  
1600 West End Avenue, Suite 2000  
Nashville, TN 37203

Keeda Haynes  
Free Hearts  
2013 25<sup>th</sup> Ave. N.  
Nashville, TN 37208

/s/ Dawn Jordan  
Special Counsel